

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

No. 11 CR 340 (ERK)

-against-

MOUSA KHOULI, *et al.*,

DECLARATION

Defendants,

SALEM ALSHDAIFAT,

Defendant-Movant.

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HENRY E. MAZUREK, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an attorney duly admitted to practice before this Court and in the State of New York.
2. I am retained counsel on behalf of Salem Alshdaifat. As such, I am fully familiar with the facts and circumstances of this case.
3. This Declaration, the Memorandum of Law submitted herewith, and the exhibits submitted and incorporated herein, are respectfully submitted in support of Salem Alshdaifat's Omnibus Pretrial Motions as set forth in the Notice of Motions and Memorandum of Law and pursuant to the United States Constitution, stated federal case law and statutes, and Rule 12(b) of the Federal Rules of Criminal Procedure. In accordance with this Court's Local Rules, because of the sensitive and private nature of some of the Exhibits referenced herein, the fact that other documents are the product of the government's investigative files, and due to the sheer volume of

materials, the Exhibits are being submitted under separate cover directly to Chambers with copies to the Government and co-defendant's counsel.

4. The exhibits annexed hereto and referenced in the Memorandum of Law are as follows:

EXHIBIT A ó Declaration of Salem Alshdaifat, dated April 30, 2012;

EXHIBIT B ó Declaration of Salem Alshdaifat, dated November 21, 2011;

EXHIBIT C ó Declaration of Michael J. McCullough, Esq., dated April 30, 2012;

EXHIBIT D ó Declaration of Robert E. Forrest, Esq., dated April 27, 2012;

EXHIBIT E ó Transcript of Plea Hearing of Co-Defendant Mousa Khouli, 11 Cr. 340 (ERK), April 18, 2012;

EXHIBIT F ó Copies of Emirates Post mailing labels;

EXHIBIT G ó E-Mail Search Warrant, Attachment A, ICE Special Agent Brenton Easter's Affidavit in Support of Warrant Application, March 29, 2010, M-10-341, "First E-Mail Warrant 3/29/10"

EXHIBIT H ó Search Warrant, Attachment A, ICE Special Agent Brenton Easter's Affidavit in Support of Warrant Application, January 25, 2011, M-11-079, "Second E-Mail Warrant 1/25/11";

EXHIBIT I ó Copies of E-Mails Referred to in Agent Easter's Affidavit in Support of First E-Mail Warrant, 3/29/10, at ¶¶ 24, 27, and 28;

EXHIBIT J ó Search Warrant and Attachment A for Search of Mousa Khouli's E-Mail Address of "windsorant@yahoo.com," 5/13/09

EXHIBIT K ó Search Warrant for Alshdaifat Residence, Attachments A and B, ICE Special Agent Pietro Ciranni's Affidavit in Support of Search Warrant Application, July 12, 2011;

EXHIBIT L ó Chronology of December 2010 Importation of Coins by Salem Alshdaifat at Detroit Metro International Airport;

EXHIBIT M ó Alshdaifat E-Mail Correspondence with Customs Broker, Nippon Express USA, Inc., December 2010;

EXHIBIT N ó Alshdaifat E-Mail Correspondence Customs Broker, Nippon Express USA, Inc., December 9, 2010;

EXHIBIT O ó NEST Invoice No. 320;

EXHIBIT P ó CBP Form 3461, by Nippon Express USA, Inc., on behalf of Salem Alshdaifat, 12/19/2010;

EXHIBIT Q ó NEST Invoice No. 323;

EXHIBIT R ó NEST Invoice No. 324;

EXHIBIT S ó CBP Form 7501, by Nippon Express USA, Inc., on behalf of Salem Alshdaifat, 12/20/11;

EXHIBIT T ó CBP Detention Notice for Ancient Coins, signed by ICE Special Agent Pietro Ciranni;

EXHIBIT U ó Amended CBP Form 7501, by Nippon Express USA, Inc., on behalf of Salem Alshdaifat, 12/27/2010;

EXHIBIT V ó Custody Receipt for Seized Property and Evidence, Inventory of Seized Items from Alshdaifat Residence, 7/13/2011.

5. During a telephone conversation I had with Cindy Touvell, a Customs broker employed at Nippon Express USA, Inc., she informed me that based on her experience, it was not uncommon for a person to have to amend a pre-entry Customs clearance with new invoices on the person's return to the United States because the traveler decided to alter the quantity and type of purchases for import after the person had left the country.

6. During a telephone conversation I had with counsel for Mousa Khouli, I was informed that the ICE agents executed a search of Mr. Khouli's business in or about February 2010, and seized practically his entire inventory of merchandise.

7. During this same telephone conversation, I was informed that all of this seized inventory was later returned to Mr. Khouli and not further detained for use as evidence of any criminal conduct.

8. The government has returned to Mr. Alshdaifat all of the coins that it seized during its search of his residence pursuant to a search warrant issued on July 12, 2011.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law, I respectfully request that the Court grant the relief sought in the Defendant's Notice of Motion.

Dated: New York, New York
April 30, 2012

/S/
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